IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 5573(S/S)2001
(Old no. 33385 of 1997)

Kusum Lata @ Kusum Devi
W/o Late Const. LIU Nathi Ram,
R/o Q. No. 68, Police Line, Dehradun. -----Petitioner.

Vs.

1. Deputy Inspector General,
   Building & Welfare, U.P. Police Headquarter,
   Allahabad,
2. Senior Superintendent of Police,
   Dehradun. ------Respondents.

Sri Ram Ji Srivastava, learned Counsel for the petitioner,
Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Kishore Kumar, Adv. holding brief of Sri Ram Ji Srivastava learned Counsel for the petitioner and Sri Paresh Tripathi, learned Counsel for State of Uttarakhand/ respondents.

By means of this writ petition, the petitioner has prayed to quash the order dated 07.04.1997 passed by Senior Superintendent of Police, Dehradun by which the petitioner has been directed to vacate the Govt. accommodation within a week failing which rent @ Rs. 20/- per squire metre per month will be imposed upon the petitioner and eviction proceedings will be initiated under U.P. Premises (Eviction of Unauthorized Occupants) Act 1992.

Aggrieved with the aforesaid order, the petitioner has filed the present writ petition. Stand of the petitioner is that as per the Govt. Order 2nd January 1992 which was subsequently

amended on 3rd February 1997, the petitioner is entitled to live alongwith her unemployed son in the accommodation in dispute.

The respondents have filed counter affidavit in which they have stated that the petitioner is getting full pension. The petitioner has moved application before the respondents seeking benefit under Dying-in-Harness Rules. In the application, the petitioner has stated that she is not in a position to take up any Govt. job and her eldest who was 14 years of age at the relevant time, may be provided Govt.jobon his attaining the age of majority.

About 10 years have been passed after the death of petitioner's husband and the petitioner is still occupying the Govt. accommodation un-authorisingly. In the circumstances, this Court does not incline to interfere with the order impugned, by which the petitioner has been directed to vacate the accommodation in question. The writ petition, thus, is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

June 26.2007:
NCM: